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Committee on Economic, Social and Cultural Rights

Social protection floors: an essential element of the right to social security and of the sustainable development goals

Statement by the Committee on Economic, Social and Cultural Rights*

Background

1. The protection of economic, social and cultural rights has been gaining importance at the national and international levels, partly in response to the many economic and social changes taking place in various regions of the world. In many developed countries, the concern that such rights do not enjoy protection has arisen from the impact of the recent economic recession. Many developing countries have, however, experienced relatively high growth rates, which has given them access to the resources needed to initiate and progressively implement social protection programmes. Against this backdrop, the establishment of nationally defined social protection floors[1] as a basic set of essential social guarantees, in cash and in kind, is considered pivotal in promoting basic income security and access to health care, and in facilitating the enjoyment of several economic and social rights by the most marginalized groups of the population (see A/HRC/28/35, para. 2).

2. The Committee on Economic, Social and Cultural Rights, in some of its concluding observations on reports on the realization of the right to social security by States parties to the International Covenant on Economic, Social and Cultural Rights, has recommended the establishment of a social protection floors that guarantees legal entitlements to individuals as an initial element to be progressively developed into a universal and comprehensive social security system in full compliance with the requirements of article 9 of the Covenant. In a letter dated May 2012, the Chairperson of the Committee called the attention of States parties to the Covenant to the fact that any proposed policy change or adjustment made to deal with the negative impact of the austerity measures on the enjoyment of Covenant rights must identify the minimum core content of rights or a social protection floor, as

* The present statement, which was adopted by the Committee at its fifty-fourth session, held from 23 February to 6 March 2015, was prepared pursuant to the Committee's practice on the adoption of statements (see *Official Records of the Economic and Social Council, 2011, Supplement No. 2* (E/2011/22), chap. II, sect. K).

[1] International Labour Organization (ILO) recommendation concerning National Floors of Social Protection, Recommendation No. 202 (2012).

developed by the International Labour Organization (ILO), and ensure the protection of this core content at all times.

3. Furthermore, one of the targets under proposed goal 1 of the post-2015 sustainable development goals is the implementation of nationally appropriate social protection systems and measures for all, including floors (see A/68/970 and Corr.1).

Objective

4. Following up on its call for States to explicitly align the sustainable development goals, as well as the indicators and benchmarks to meet them, with human rights principles and standards, including those on freedom from discrimination, equality between men and women, participation and inclusion, and transparency and accountability,[22] the Committee hereby reiterates the mutually reinforcing nature of its general comment No. 19 on the right to social security and of ILO Recommendation No. 202 on social protection floors.

5. The definition of the right to social security contained in general comment No.19 refers to three basic elements:

(a) The concept of social security as a human right and an economic and social necessity for development and progress;

(b) The reaffirmation of the redistributive character of social security and its role in promoting social inclusion;

(c) The overall and primary responsibility of the State for the realization of the right to social security.

6. These elements are integral to the nationally defined set of basic social security guarantees of social protection floors aimed at ensuring human dignity and preventing or alleviating poverty, vulnerability and social exclusion. In addition, the social protection floors element of ensuring availability, continuity and access to public services such as water, sanitation, health, education and family-focused social work is derived from several rights enshrined in the Covenant.

Core obligations

7. Social protection floors call for a set of basic social security guarantees that ensure universal access to essential health services and basic income security. These guarantees can be materialized through transfers in cash and in kind, for example through child benefits, income support benefits combined with employment guarantees for the working-age poor, tax-financed universal pensions for older persons and benefits for persons with disabilities and persons who have lost the main breadwinner in the family.

8. Pursuant to general comment No. 19, these guarantees constitute the core obligation of States to ensure access to social security by providing, together with adequate access to essential services, a minimum level of benefits to all individuals and families to enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, food and the most basic forms of education. The reference to "all" encapsulates the human rights principle of universality and that every individual matters. Similarly,

[2] Letter by the Chairperson of the Committee on the post-2015 development agenda dated 30 November 2012.

national social protection floors aim at guaranteeing income security and access to basic services throughout the life cycle, paying particular attention to the most vulnerable and disadvantaged, including children, older persons, persons with disabilities, informal workers and non-nationals (see A/HRC/28/35, paras. 37-53).

Women

9. Women are often not entitled to social security benefits and pensions, whether because they are in the informal economy, because they experience greater difficulties in complying with eligibility criteria or simply because they are engaged in unpaid work that is not recognized as an economic contribution to their communities and societies. An additional obstacle is that women are often considered primarily as being dependent on their male partner and not as individual rights holders. In this context, the Committee highlights that several of the basic guarantees included in national social protection floors, such as maternal health, child care and maternity benefits and pensions, contribute towards establishing universal benefits. These benefits decrease gender inequalities also by alleviating the burden imposed on women, who continue to shoulder a disproportionate part of household responsibilities.

Progressive realization

10. While drawing attention to the concept of social protection floors as a core obligation without which economic and social rights, including the right to social security, are rendered meaningless, the Committee reminds States parties to the Covenant of their obligation to progressively realize the right to social security, as indicated in general comment No. 19. This is further reflected in ILO Recommendation No. 202, which sets out strategies for extending social security so that ever higher levels of protection are ensured to as many people as possible. In fact, when used as floors and not ceilings, and provided they are established and implemented according to human rights standards and principles, social protection floors have great potential to facilitate the enjoyment of several economic and social rights.

11. The Committee welcomes the fact that social protection floors are gradually being established in countries at different levels of economic and social development through a wide range of programmes and measures, as illustrated in the ILO *World Social Protection Report 2014-2015*.

12. In some lower-income countries, where safety nets are temporary, have narrowly focused targets and have very low benefit levels, there is an ongoing discussion on expanding social protection transfers and building nationally defined social protection floors as part of a comprehensive social protection system. Presently, more than 20 developing countries have achieved or nearly achieved universal pension coverage; a few others are currently piloting non-contributory old-age social pensions. Many middle-income countries are consistently expanding their social protection systems, thereby contributing to domestic demand-led growth strategies that in turn boost development.

13. There are options available for Governments to expand the fiscal space for social protection even in the poorest countries, for example by reallocating public expenditure with a renewed focus on social spending, increasing tax revenues, reducing debt or debt servicing, adapting the macroeconomic framework, fighting illicit financial flows and increasing social security revenues. Equally important is the evidence demonstrating that, in line with their Covenant obligations, countries cannot afford not to allocate sufficient

resources to social protection given that such allocations contribute to the realization of human rights and economic and social development.

14. The Committee recognizes the importance of the guiding principles established in ILO Recommendation No. 202 and highlights that the development of social protection floors should be based on a national consensus that requires all relevant stakeholders to participate in the design, implementation, monitoring and evaluation of the floors' components. Regional and international organizations, including the international financial institutions, also have a role to play in promoting the conditions necessary for the sound implementation of social protection floors.

15. The Committee reiterates that adequate resources must be allocated at the national level and through international assistance and cooperation to comply with the obligation to progressively realize the rights enshrined in the Covenant. The creation of a global fund for social protection proposed by the Special Rapporteur on the right to food and the Special Rapporteur on extreme poverty and human rights,[3] and the inclusion of social protection among the key recommendations made by the High-level Panel of Eminent Persons on the Post-2015 Development Agenda in its report *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development*, is an important step in the right direction and could support initial investment in sustainable public social protection systems.

16. The Committee reiterates that, as stated by the Special Rapporteur on extreme poverty and human rights, the adoption of social protection floors and closely related initiatives taken within an overall human rights-based framework should become a central goal for all actors within the human rights and development contexts (see A/69/297, para. 6).

17. The Committee encourages all States to strengthen human rights principles and standards in the formulation of social protection floors, particularly the principles and standards on non-discrimination, participation and accountability, and to explicitly recognize the right to social security, guaranteeing legal entitlements to beneficiaries, who are thereby redefined as rights holders. It also encourages States to include social protection floors in the sustainable development goals as an important means of combatting poverty and discrimination and ensuring sustainable development beyond 2015, with a view to achieving the full realization of the rights enshrined in the Covenant

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[3] Olivier de Schutter and Magdalena Sepulveda, "Underwriting the poor: a global fund for social protection", briefing note No. 7 (October 2012).